

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA

Case No. 49576

) Subcase No. 94-04076

) STANDARD FORM 5

) STIPULATED ELEMENTS
) OF A WATER RIGHT

) ☐ AMENDED NOTICE OF CLAIM /
) DIRECTOR'S REPORT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Coeur d'Alene-Spokane River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. Attached pages should include a copy of the Director's Recommendation, noting where stipulated changes have been made.

CLAIMANT:

Blue Wing Mining Company, Limited

 11/20/17
Michael K. Branstetter, ISB# 2454 Date
Hull & Branstetter Chartered
Attorney for Claimant

OBJECTOR:

United States on behalf of the
Bureau of Land Management

 11/20/17
David L. Negri, ISB# 6697 Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

 11-20-17
Carter Fritschle Date
Adjudication Section Manager

IDWR CONCURRENCE:

 11/20/17
Andrea L. Courtney, ISB#7705 Date
Deputy Attorney General, Attorney for IDWR

11/17/2017

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 94-4076
NAME AND ADDRESS: BLUE WING MINING CO
PO BOX 918
OSBURN ID 83849
SOURCE: GROUND WATER
QUANTITY: 0.150 CFS
3.60 AFY
PRIORITY DATE: 12/31/1960
POINT OF
DIVERSION: T48N R04E S14 NESE Lot 13 Within SHOSHONE County
PURPOSE AND
PERIOD OF USE:

TRIBUTARY:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.150 CFS 3.60 AFY
Domestic use is for 6 homes.		

PLACE OF USE: DOMESTIC in SHOSHONE County
T48N R04E S13 SNNW T48N R04E S14 Lot 13 SENE
T48N R04E S14 NESE T48N R04E S14 Lot 13 NESE
The place of use does not include federal land.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. RP48N04E147050 for Point of Diversion.
Parcel Nos. RP48N04E147225, RP48N04E147050, RP48N04E147000,
RP48N04E133810, RP48N04E133900, and RP48N04E134000 for Place of Use.

Right Nos. 94-9403, 94-9461 and 94-9462 are also diverted through point of diversion described above.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on November 21, 2017, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724-0101

Blue Wing Mining Company
P. O. Box 928
Osburn, Idaho 83849-0928

Michael Branstetter, ISB# 2454
Hull & Branstetter Chartered
P. O. Box 709
Wallace, Idaho 83873

Representing:

Blue Wing Mining Company, Limited



Signature of person or attorney mailing the form